

Massachusetts Water Resources Commission

Meeting Minutes for June 10, 1999

Commission Members in Attendance:

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| Mark P. Smith | Designee, Executive Office of Environmental Affairs |
| Marilyn Contreas | Designee, Department of Housing and Community Development |
| Peter C. Webber | Commissioner, Department of Environmental Management |
| Richard Thibedeau | Designee, Department of Environmental Management |
| Glen Haas | Designee, Department of Environmental Protection |
| Mark Tisa | Designee, Department of Fisheries, Wildlife & Environmental Law Enforcement |
| Lee Corte-Real | Designee, Department of Food and Agriculture |
| Joe McGinn | Designee, Massachusetts District Commission |
| Richard Butler | Public Member |
| Robert Zimmerman | Public Member |
| Frank Veale | Public Member |
| David Rich | Public Member |

Others in Attendance:

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| Michele Drury | DEM |
| Vicki Gartland | DEM |
| Mike Gildesgame | DEM |
| Stephanie Lovejoy | DEM/OWR |
| Linda Marler | DEM/OWR |
| John Magenheimer | DEM/OWR |
| Steve Lipman | DEP |
| Duane LeVangie | DEP |
| Nancy Ettele | MWRA |
| Lorriane M. Downey | MWRA/MDC |
| Susan Redlich | Waste Water Advisory Commission/MWRA |
| Michele Cobban Barden | NepRWA |
| Alexandra Dawson | WSCAC |
| Jamie Hellen | EOEA |
| Ron Sharpin | MDC-DWM |

Agenda Item #1: Executive Director's Report:

- Letters of Concern: The Ipswich River Association expressed concern about a letter from the Commission to the town of Wilmington. They questioned whether the IBT Act should apply to the sewer expansion project in the town of Wilmington. The Commission letter states the IBT Act does not apply.
- The second letter was from Water Supply Citizens Advisory Committee, concerning the construction in Regis College. They questioned if a system is receiving water from an interbasin water, can a new sewer connection out of basin be considered grandfathered. Both of these letters will be addressed more specifically at future WRC meetings.

- Smith and staff from DEM met with Army Corps Engineers to discuss assistance for watershed teams from The Planning Assistance to States program, and the Flood Plain Management Services program. Currently staff is in the process of releasing this year's Notice of Availability of Assistance. Staff and the Army Corps of Engineers are working to coordinate efforts so that the projects chosen match the priorities of the Commission and EOE's round table. Meetings will happen quarterly, as opposed to once a year, to keep a higher level of communication going.
- Gartland updated the Commission on the Stressed Basin Work Group. In their first meeting, the group discussed which information should be used in determining the definition and how state programs will use the definition. In future meeting there will be presentations on various types of information that could be used to define stress. The ability to define stressed basins will be difficult as many basins lack extensive information, but that does not mean they are not stressed. Smith recommended that the group attempt to define the technical parameters of a stressed river basin before defining uses for the definition.
- Gartland updated the Commission on the state's hydrologic conditions. April's precipitation and streamflow were below normal, however the extended outlook is normal. She noted her concern of entering into the summer in dry conditions. Smith stated the need to develop parameters to give a sense of when to tell people to start conserving more. Gartland also stated the ground water flow is below normal. Zimmerman suggested informing the work groups, who already are collecting data, what additional data is necessary in determining parameters.
- Drury updated the Commission on Stoughton's IBT application. Staff is expecting agency comments, which will be integrated into the staff review as much as possible.
- DEP is developing a new nutrient loading policy related to ground water discharges. Also, DEP is conducting an Information 2000 Initiative to update their computer data base system to make it more assessable to the public. The Commission requested a presentation from DEP on both of these topics.

Agenda Item #2: Interbasin Transfer Application by MWRA for the Braintree Weymouth sewer interceptor

Drury gave an overview of the facts surrounding this application. The Braintree Weymouth Interceptor (BWI) serves the towns of Braintree, Weymouth, Randolph, and Holbrook and portions of Quincy and Hingham. System overflows within the WRC jurisdiction are limited to the MWRA sewer system, while overflows in community systems are local responsibilities and are not apart of this project. MWRA is under an Administrative Consent Order (ACO) to address this problem with specific beginning and ending dates. The facilities plan requires a 17 mgd increase to eliminate surcharges form the one year, six-hour storm. This increase will also alleviate overflow into Smelt Brook.

There have been changes in the conditions since the last Commission meeting. Condition 1 now includes the date when the inter-agency agreement has to be signed, July 31, 2000. Condition 2 is essentially the same. Condition 3 provides more details on the type of data required for MWRA to conduct their local water resource management plan of the entire regional system. Condition 4 is essentially the same, and condition five is unchanged.

Staff recommends the Commission approve MWRA's application, with certain conditions.

Smith noted the MWRA desires it to be officially noted that when the MWRA completes their local water management plan for their entire regional system, that as future projects arise, the MWRA

will not have to present another local water management plan, as long as this plan remains accurate. There was a question regarding the longevity of the local water resources management plans. Smith stated that this issue, of how long a local water management plan is accurate and applicable, should be addressed in the Interbasin Transfer Performance Standards, and could then be a guide for the MWRA's local water management plan. He further stated that the local water management plan is not a substitute for the detailed project analysis that a full application requires. Commission members agreed that this plan would be able to fulfill the criteria for having a local water resource management plan as long as it provided a generally accurate description of the system.

A motion was made by McGinn and seconded by Haas to:

APPROVE THE STAFF RECOMMENDATION ON THE BRAINTREE-WEYMOUTH INTERBASIN TRANSFER APPLICATION BY THE MWRA.

The motion passed unanimously.

Agenda Item #3: Interbasin Transfer Act Performance Standards

Drury presented an overview of the public comments and the changes to the draft standards. Smith requested that the Commission look at the standards carefully, he would like an official vote to occur with in the next two Commission meetings.

Many comments noted on that the second draft appears less strict; changing many of the "must" statements to "should" statements. Another comment requested more specific thresholds in the guides. Another suggestion was that the standards should be evaluated in a couple of years to see if they are reaching their goals. A definition of unaccounted-for water is needed. Smith will be working with DEP and the MWRA to determine a definition. Documentation on the result of local leak detection surveys was requested, this was incorporated into the second draft. The number for residential gcpd is still controversial. A larger waste water component in the local water resource management plan, which would include comprehensive waste water management plans, should be included. Smith noted on the "must" to "should" comments, that the standards are a guidance tool, not regulations, and that was the reason for the change. The remaining "musts" were those that appeared in the Interbasin Transfer regulations.

Drury noted in 1993, the definition of a local water resource management plan was adopted for use in the IBT Act and the Water management Act. If the Commission is going to use the outline for the local resources management plan in the IBT standards, legal consul has stated that another vote is needed by the Commission to adopt the outlined plan.

McGinn requested clarification on the 65 gcpd being an action item as opposed to a threshold, and if there is a number over 65 gcpd or 70 gcpd that the Commission would determine unacceptable. Drury replied that it would have to be judged on a case by case basis. In past interbasin transfers, the residential gcpd number from the demand projection methodology was used and if it was above 80 gcpd, the community was required to demonstrate that they were actively trying to reach 80 gcpd or less.

Drury reminded the Commission about the intent of the performance standards. Before a community applies to the Commission, they should go through the performance standards and understand that these are the criteria they will be expected to meet. If they cannot meet them, they

must demonstrate that it is not appropriate for them to abide by these standards. Gildesgame stated the standards will serve the similar purpose of a screening document, so communities will know ahead of time what will be expected of them.

Webber asked once the performance standards are voted on, when will they be available for applicants. Drury responded the standards will be fully active in two year transitions period after the official Commission approval, but applicants would know they would need to be working towards them within those two years.

Webber suggested that if there are parts of the standards that eventually could result in changes to DEP or Commission regulations, they be identified in the two year transition period to be put on a regulatory tract. Haas suggested that the work group meet in the two year transition period and decide which of the “shoulds” could be changed to “musts”. Drury also suggested that an effort should be made to educate communities on the new standards.

Rich noted on the subject of unaccountable water that once definitions are decided upon, this would make it easier to determine if a community is trying to meet a 10% standard. He suggested looking at the AWWA’s definition. Webber asked if a clear definition could be decided upon before the standards come before the Commission for a vote.

For storm water management, Zimmerman suggested adding additional information about impervious surfaces and storm water in general. Rich commented on the lack of flexibility of the toilet rebate requirement. Gildesgame responded that the standards are rebuttable, and a town can show a legitimate reason why the standard should not apply.

Contreas requested that a time be given when the stressed basin definition and wastewater transfer information will be made available. Dawson questioned on the definition of viable source water, and if it will apply to water once it leaves the basin. She suggested changing the definition to include “in the basin of origin” as well as “the basin of discharge”.

Rich suggested leaving the water billing to the local water suppliers and not require quarterly billing in the standards. Drury responded that the quarterly billing is a result of the conservation standards.

Agenda Item #3: Adoption of the Minutes of the November 12, 1998, January 14, 1999 and February 11, 1999 Meetings.

A motion was made by Zimmerman and second by Butler to:

ADOPT THE MINUTES OF THE NOVEMBER 12, 1998, JANUARY 14, 1999, AND
FEBRUARY 11, 1999 MEETINGS.

The motion passed unanimously

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Minutes approved 8/12/99